CONCERNS BOTH BRITISH INDIA AND INDIAN STATES.

Public Works (1898) Department.

G.O., No. 222 - I

DATED 17 March 98

Contains G.O. 230 I ... 6.3.97 ... pages 10 ...

15/3/98

[Despatch Abstract.]

Regulation of traffic on the Periyar Lake. Orders to the Resident in Travancore and Cochin be req. the Pol. Dept. to ascertain whether the arrangements ... be made for the ... meet with the concurrence of the Travancore Durbar

10/1

JH 17.3.98

Indexed

G.O.	No.	Department.

பாதுகாப்பு பிரிவு–1

செப்பனிடுபவர் பெயர் இ.பழனி.

செப்பனிடுவதற்காக எடுத்துக் கொள்ளப்பட்ட நாள் 9/2008.

15/10/08 16/10/08 16/x/08

சரிபார்க்கும் முதல் மு.நி.பா.எ. கையொப்பம்	சரிபார்க்கும் 2–ம் மு.நி.பா.எ.. கையொப்பம்	ஆராய்ச்சி உதவியாளர் கையொப்பம்

IRRIGATION.

Government (1898) of Madras.

PUBLIC WORKS.

d

} 1898. *Enclosures*

Spare copies

G.O., No. 222 I., 17th March 1898.

MARCH.

Regulation of Traffic on the Periyar Lake

the Resident in Travancore and Cochin be requested in the Political
tain whether the arrangements proposed to be made for the —
nce of the Travancore Durbar.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Irrigation.

READ—the following paper :—

G.O., No. 230 I., dated 6th March 1897.

ORDER—No. 222 I., dated 17th March 1898.

The order read above decides that, for the purpose of regulating [illegible] Periyár lake, the new rules, about to be issued, as applicable to the Chilka[illegible] will be made applicable to the Periyár lake, and that pending the issue [illegible] certain fees should be levied from vessels making use of the lake. His [illegible] the Governor in Council now considers that no special law and no elabora[illegible] required to control navigation on the Periyár lake. For the sake of ide[illegible] written or printed permit will be issued free, by the officers of the Pu[illegible] Department, to every person who desires to have a boat of any kind on t[illegible] such person including the Travancore employés may be required to h[illegible] painted on the stern or sides of the boat.

2. The Superintending Engineer, VI Circle, will arrange to have a noti[illegible] up at the landing place in the channel, that the floating of timber on the lake w[illegible] written permit from the Executive Engineer is forbidden and that persons in [illegible] damaging the works will be prosecuted.

3. Before orders are issued to the foregoing effect, the Resident in Trav[illegible] and Cochin will be requested in the Political Department to ascertain whether [illegible] meet with the concurrence of the Travancore Durbar.

(True Extract.)

Under Secretary to Governmen[illegible]
Irrigation Br[illegible]

To the Political Department.

Exd. C. Parthasarathy.

3 3/

PUBLIC WORKS DEPARTMENT,
IRRIGATION BRANCH.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

UNDER date the

READ the following

Proceedings of the Madras Government (H.E.No: 230 I, dated 6th March/97).

No 222 I, 17.3.98

The order read above decides that, for the purpose of regulating traffic on the Periyar lake, the new rules, about to be issued, as applicable to the Chilka lake group, will be made applicable to the Periyar lake and that pending the issue of these rules certain fees should be levied from vessels making use of the lake. His Excellency the Governor in Council now considers that no special law and no elaborate rules are required to control navigation on the Periyar lake. For the sake of identification a written or printed permit will be issued free, by the officers of the P.W. Department to every person who desires to have a boat of any kind on the lake, and such person including the Travancore employes may

Forwarded to the Hon'ble the Chief Secretary to Government, Political Department with reference to his remark on the original draft order.
W.H.
10 3 98

be required to have a number painted on the stern or sides of the boat.

2. The Superintending Engineer, Sixth Circle, will arrange to have a notice put up at the landing place in the channel, that the floating of timber on the lake without written permit from the Executive Engineer is forbidden and that persons in any way damaging the works will be prosecuted.

10/3/98

3. Before orders are issued to the foregoing effect, the Resident in Travancore & Cochin will be requested in the Political Dept. to ascertain whether they might with the concurrence of the Travancore Durbar

ACA 12.3.98.

Issue 15-3-98

To
Irrigation Dept

Please see additional para above. The order should issue to the Resdt. thro the Political Dept. and should not be communicated to the Officers of the P.W.D. until the Durbar has signified its assent.

ACA 15.3.98

To,

~~The Chief Engineer for Irrigtn~~

~~,, Supdg: Engineer, VI Circle~~

~~,, Examiner, P.W. Accounts.~~

,, Political Department.

From Mar

4 5

PUBLIC WORKS DEPARTMENT,

IRRIGATION BRANCH.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

2229 UNDER date the

READ the following

G.O. No. 230 I, d/ 6th March/97

The Hon'ble Chief Secretary to Govt. Political Dept. for favour of counter-initials.

See notes ~~at the~~ in ~~end~~ margin

It ~~will be necessary~~ is advisable before this order issues to obtain the ~~assent~~ concurrence of the Travancore Durbar — so as to ensure cordial cooperation.

Will P.W.D. please send it to Political.

[illegible] 9.3.98.

The order read above decides that for the purpose of regulating traffic on the Periyar lake ~~the~~ the new rules about to be issued as applicable to the Chilka lake group will be made applicable to the Periyar lake & that pending the issue of these rules certain fees should be levied from vessels making use of the lake. His Excellency the Governor in

Council now considers that no special law & no elaborate rules are required to control navigation on the Periyar lake.

For the sake of identification [x for a nominal control which at some future time it may become necessary to make real,] a written or printed permit [may] will be issued free by the officers of the P. W. Dept to every person who desires to have a boat of any kind on the lake, & such person including the Travancore

Suggested that the words in brackets be omitted. The fact wi[ll] be so but it is inexp[edient] to introduce it into the

M.A.

(Stet.) 5

employés may be required to have a number painted on the stern or sides of the boat.

2. The Supg Engr, VI Circle, will arrange to have a notice put up at the landing place in the channel that the floating of timber on the lake ^without written permit from the Exec Engr^ is forbidden & that persons in any way damaging the works will be prosecuted.

M.A.
9.3.98

2 The Govt trusts that in their own interests the Travancore Durbar will cordially support the officers

It is suggested that this sentence be omitted. It has somewhat the appearance of a threat, & was never intended by me when the remark was made in my note to be anything but an item of informⁿ to H.E. & H.Hs.

M.A

of the P. W. Dept in
the protection of the
works.

8/

[illegible]
8/3/98

WH
8 3 98

To
The Chief Eng for Irrigation
Supt Eng VI Circle
Ex T W ...
Political Dept.

E. I. Form No. 1 (a)—250—1-11-97.

[illegible]
8/3/98

6 9

P. W. Current No: 2125

Endt 1914.
Recd: 7. 3. 98

Political Dept

Endt. No. 601, d/ 5-3-189[illegible]

Public: C. No. 4454 of 1897

D.O. 896 " "

—

Retransferred to the Public Works Department (with notes in original)

A. Arundel

Chief Secretary

Cur. S.
4/3/98

m.d.d

Recd
7/3/98
[illegible]

Do of 7.6.58 ~ Rc 467/58 10

CHIEF ENGINEER
FOR IRRIGATION.
23 MAR 97
No. 1829

7

IRRIGATION.

Government (1897) of Madras.

PUBLIC WORKS.

Recd. } 1897. *Enclosures*

Regd. *Spare copies*

G.O., No. 230 I., 6th March 1897.

MARCH.

Periyar Lake

Passing orders on the question of the navigation of the — by officers of the Travancore Government and in regard to the land to be taken up outside of the contour line and in the immediate vicinity of the lake.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Irrigation.

Read—the following papers :—

From W. HUGHES, Esq., Superintending Engineer, VI Circle, to the Chief Engineer for Irrigation, dated Trichinopoly, 28th August 1896, No. 1078 M.D.

I have the honour to offer my opinion on the matters referred to in G.O., No. 601 I., dated 23rd July 1896 (paragraph 3), and your memo. No. VI/33 P.R., dated 3rd August 1896.

2. The lease grants the right of carrying out works only on the land included within the 155 feet contour and such other land, limited to 100 acres, as may be selected in the immediate vicinity for purposes connected with the execution or preservation of the Irrigation works. It is not clear to me that the lease gives the right to make or maintain the tunnel without taking up the land over it. A strip of land, say, 20 yards wide, along the line of the tunnel should, certainly, form part of the 100 acres. Again, I think it altogether a mistake to restrict the land taken up at Periyár and Thekkadi to the small patches containing the cemetery and the buildings. There was no need to make the elephant trenches the boundaries. As things now are, we cannot without trespass hut coolies, quarry stone or even dig earth for the repair of the bund at the left end of the dam. I think it must have been for such purposes as these and not for the acquisition of forest that the clause empowering the Government to acquire 100 acres was entered in the lease. In my opinion Government should acquire for the maintenance and preservation of the works (inclusive of land now in possession)—

At Periyár.—First, the whole of the hill on which the Periyár buildings stand.

Second, the bed of the escape channel for 100 yards below the dam across it, with a strip 20 yards in width of the hill at right flank of the escape, the latter boundary being deflected so as to include the cemeteries.

Third, land within 100 yards of the main dam on all sides.

Fourth, land of necessary extent for stone quarrying in a convenient place.

The land in the first three items above will not amount to much, as the boundaries stated overlap and also a portion is already included in the lake area below level 155·0.

At Thekadi.—First, about 15 acres around the bungalows and the head works of the tunnel.

Second, a strip 20 yards in width along the line of the tunnel.

All the land enumerated above will come to much less than 100 acres and it is a question whether forest land should be selected to make up the balance. Mr. Pears assumes that all trees below the 155 feet level will die, but I think this is a matter of opinion. The water will not stand much above 144 feet (the full lake level) except occasionally and for short periods. I think Mr. Pears is probably wrong and that trees of which the roots are rarely submerged should survive. It would no doubt add much to the expense of procuring firewood or timber if it has to be cut here and there over a large area. On the whole, I think the acquisition of forest is not necessary, though it would be very convenient.

*   *   *   *   *

From the Honourable J. D. Rees, c.i.e., Acting Resident in Travancore and Cochin, to the Chief Secretary to Government, Fort St. George, dated Trivandrum, 6th November 1896, Ref. on C. No. 3294.

In G.O., No. 418 I., dated 13th May 1896, communicated with Political order, R. No. 147 of the 16th idem, the Government requested the Resident to ascertain—

(*a*) whether the Travancore Sirkar would exempt from duty the surplus inferior timber and second-hand wrought timber which the Madras Public Works Department subordinates at Periyár were permitted to sell;

(*b*) whether the Sirkar had any objection to allow none but its superior officers to navigate the lake, and whether it would take steps to prevent trespass on the area leased to Government; and

(*c*) whether it had any objection to the selection of the 95 acres of land demarcated by the late Superintendent of Works, No. 1 Periyár division, near Thekkadi, to make up the 100 acres in the immediate vicinity of the lake referred to in the lease.

2. In G.O., No. 601 I., dated 23rd July last, communicated with Political order, R. No. 269, dated 6th August 1896, point (*a*) was dropped by Government, while in Mr. Thomson's letter, Ref. on C. No. 1694, dated 9th June last, he dwelt upon the question raised in point (*b*) on a previous reference from the Travancore Durbar. The Dewan has again addressed me on this subject pointing out the serious inconvenience caused to the Durbar by the prohibition against Travancore subordinate officials navigating the lake. Copy of his letter (No. R. 1060, dated 23rd September 1896), with its enclosure, is herewith submitted for the early orders of Government. I think that the Sirkar cannot fairly be asked to forego navigation of the lake by its officials. Of its readiness to comply with all reasonable requisitions, it has in this and in other cases given ample proof. I have lately visited the Periyár lake and therefore understand, from navigating it and from some knowledge acquired of the surrounding country, that a considerable tract, perhaps 20 square miles, of the Cardamom Hills will be cut off from all communication. The objection taken really relates to the passage of timber down the lake which may block the canal, and works near the mouth of the tunnel. But an arrangement might be made that timber should be sent down in concert with the British subordinate in charge, or the entrance to the canal might perhaps be protected. However this may be, and I do not presume to express an opinion, it is clear that the Sirkar cannot properly be cut off by the lake from part of its territories, and then be forbidden to use it as a means of access. The lake winds in and out among the hills for many miles.

3. As regards point (*c*), I have the honour to report, for the information of Government, that His Highness the Maharaja has expressed his willingness to include in the lease the 95 acres of land demarcated by the late Superintendent of Works, near Thekkadi, in addition to the 5 acres already taken up. The Conservator of Forests, Travancore, has been requested by the Sirkar to hand over the land to the British subordinates on the spot. In his letter on the subject, copy of which is also enclosed,

the Dewan raises the question whether an acreage rent of Rs. 500 per annum should not be paid for this land. Under the lease a payment of Rs. 40,000 covers the area within the contour line up to a maximum of 8,000 acres, any acreage in excess having to be paid for at Rs. 5 an acre. There is no separate stipulation as to payment for these 100 acres, nor have I any papers at my disposal showing what was intended in this behalf. If the Rs. 40,000 was intended to cover the concession, the inference from the omission of any express stipulation as to 100 acres would be, that it was a part of the concession, and obnoxious to no payment. On pointing this out to the Dewan, he has in his letter, No. 4391/P. 318 of the 20th ultimo, expressed his willingness to withdraw the claim. It is nevertheless advisable, I think, that it should be laid before Government, for the construction of deeds is often a matter of doubt.

Enclosures.

From M.R.Ry. SHUNGRASOOBYER Avergal, Dewan of Travancore, to the British Resident in Travancore and Cochin, dated Trivandrum, 23rd September 1896, No. R. 1060.

Adverting to my letter, No. R. 605, dated 6th June last, I have the honour to enclose copy of a letter, No. 761, dated 8th instant, from the Acting Superintendent and Magistrate, Cardamom Hills, pointing out the serious inconvenience caused by the prohibition against Travancore officials navigating the Periyár lake. I shall be obliged by your kindly making early arrangements for at least a limited portion of the lake being allowed to be used by the Travancore officials and contractors.

From M.R.Ry. SHUNGRASOOBYER Avergal, Dewan of Travancore, to the British Resident in Travancore and Cochin, dated Trivandrum, 20th October 1896, No. 4391/P. 318.

In reply to your letter, Ref. on C. No. 2928, dated the 2nd instant, I have the honour to state that, as observed by you, there is in the agreement no express stipulation as to payment for the 100 acres outside the 155 contour line. But the rent of Rs. 40,000 reserved in the agreement is for the area within such contour line up to a maximum of 8,000 acres, and there is a distinct provision for the payment of an acreage rent of Rs. 5 an acre for the excess over 8,000 acres within the above line. It will also be noted that there is neither in the agreement nor in the correspondence any reference to the 100 acres as being a free gift. I presumed, therefore, that the area outside the contour line was meant to be paid for, when it came to be made over. If, however, you think that in the absence of any express stipulation to the contrary, the transfer of the 100 acres of land in question should have no separate consideration either in the shape of a lump value or of land tax, His Highness' Government would gladly withdraw the claim.

From M.R.Ry. SHUNGRASOOBYER Avergal, Dewan of Travancore, to the Acting British Resident in Travancore and Cochin, dated Trivandrum, 15th September 1896, No. 3874/P. 296.

With reference to your letter, Ref. on C. No. 2556, dated the 18th ultimo, I have the honour to inform you that His Highness the Maharaja has been pleased to sanction the lease to the British Government of the lands selected near Thekkadi not exceeding in area 100 acres for the execution and preservation of the works. This includes the 5 acres now occupied by the houses of the British subordinates at Thekkadi and Periyár and their immediate surroundings.

2. I trust the acreage rent of Rs. 5 per acre will be paid to this Government for these 100 acres along with the rent for the area covered by the original agreement.

3. I am asking the Conservator of Forests to hand over to the British subordinates on the spot the lands demarcated by the Superintendent of Works, near Thekkadi, to the extent above mentioned.

Endorsement from the Political Department, dated 17th November 1896, No. 2389.

Letter from the Government Solicitor, dated 11th January 1897, No. 15.

From F. A. NICHOLSON, Esq., Acting Resident in Travancore and Cochin, to the Chief Secretary to Government, Fort St. George, dated Trivandrum, 15th January 1897, Ref. on C. No. 4038.

In continuation of my Ref. on C. No. 3294, dated 6th November 1896, I have the honour to forward herewith copy of a further communication received from the Dewan of Travancore, No. R. 1390, dated 19th ultimo, pointing out that much inconvenience and loss to the Sirkar Depôt at Coomily are caused by the prohibition against the navigation of the Periyár lake by the Travancore officials and contractors. I request, therefore, that Government will be pleased to issue early orders on the subject.

ENCLOSURE.

From M.R.Ry. SHUNGRASOOBYER Avergal, Dewan of Travancore, to the British Resident in Travancore and Cochin, dated Trivandrum, 19th December 1896, No. R. 1390.

Adverting to my letters noted in the margin, I have the honour to inform you that the Conservator of the Forests has again brought to my notice that much inconvenience and loss are caused to the Coomily depôt by the prohibition against the navigation of the Periyár lake.

No. R. 605, dated 6th June 1896.
" R. 1060, " 23rd September 1896.
" R. 1196, " 3rd November "

He states that there are reserves of timber beyond the lake which cannot be tapped, as the cost of carting the materials round the lake is prohibitive. I shall feel obliged by your kindly making early arrangements for at least a portion of the lake being allowed to be used by the Travancore officials and contractors.

Endorsement from the Political Department, dated 22nd January 1897, No. 165.

ORDER—No. 230 I., dated 6th March 1897.

In his letter, No. 3294, dated 6th November 1896, the Acting Resident, Travancore and Cochin, replies to the three heads of enquiry made in G.O., No. 418 I., dated 13th May 1896.

2. Of these the first has been disposed of in G.O., No. 601 I., dated 23rd July 1896.

3. With regard to the second head—that relating to the navigation of the Periyár lake by officers of the Sirkar—the Government agrees with the Resident, and the prohibition against Travancore officials navigating the lake, will be removed. The Government resolves that, for the purpose of regulating traffic on the lake, the new Navigation rules about to be issued as applicable to the Chilka lake group will be made applicable to the Periyár lake and that, pending the issue of these rules, navigation of the Periyár lake will be permitted on payment of the following fees and subject to the condition that, for the present, timber or rafts must be excluded from that part of the lake known as the watershed cutting:—

	Annual.	Six weeks.			
	RS.	RS.	A.	P.	
Licenses.					
Rafts or timber	...	0	4	0	per 100 sq. ft.
Steamers	30	6	0	0	
Cargo boats	1	0	3	0	per ton.
Passenger boats, 1st class	2	0	5	0	per ton.
" 2nd "	1	0	3	0	per ton.
Registration fees.					
Private boats	12	2	4	0	
Pleasure boats	1	0	3	0	

4. As regards the land to be taken up outside of the contour line which forms the subject of the third head of enquiry made in G.O., No. 418 I., dated 13th May 1896, the Government considers that the yearly rent of Rs. 40,000 covers all such part of the 100 acres outside the contour line as may be required by Government for

the execution and preservation of the irrigation works within the contour line and that, for this purpose, the land described by the Superintending Engineer, VI Circle, in his letter, No. 1078 M.D., dated 28th August 1896, is required, as well as such portion of the forest demarcated by Mr. Pears as will make up 100 acres, that is, a block running up the hill from the lake margin near where the watershed cutting joins the lake.

5. The Government observes that His Highness the Maharaja of Travancore has expressed his willingness to include in the lease the 95 acres of land demarcated by the late Superintendent of Works and that the Conservator of Forests, Travancore, has been requested by the Sirkar to hand over this land to the British subordinates on the spot.

6. The Superintending Engineer, VI Circle, has already been called on to submit a map showing the boundaries of the land that it is proposed to take up, and on receipt of which the Resident will be addressed with a view to the Travancore Sirkar being asked to hand over the land.

(True Extract.)

(Signed) W. HUGHES,
Joint Secy. to Government,
Irrigation Branch.

To the Resident in Travancore and Cochin, through the Political Department.
„ Chief Engineer for Irrigation.
„ Superintending Engineer, VI Circle.

Exd. T. K. Narayana Aiyangar.

~~Political~~ Public
~~Public~~

16

(1897) Department.

CURRENT No. ~~1107~~ 4454

From

The Public Works Dept

Order

No. 4907C

Dated 20th November 1897

Received 22 - 11 - 97

Regd 24-11-97 Enclosures ~~Regd 22 - 11 - 97~~ ~~22 - 11 - 97~~

Regd 24-11-97 Spare copies 2 books and ~~Pub~~ P.W.D. file of papers.

SUBJECT.

Periyar Lake —
Forwarding for consideration and comment the file re - the applicability of the revised navigation rules on the —

P. W. 39.
1,000—27-4-97.

BACK PAPERS.

No.	Date.

FURTHER PAPERS

No.	Date.

Public Works (1897) Department.

CURRENT No. ~~498 M~~ 1541

Order

From The Govt Solicitor Madras.

No. 688.

Dated 2-11-97

Received 3-~~10~~ 11

Regd: 20-11-97

Enclosures 3.

Spare copies

SUBJECT.

Periyar Lake -

~~Forwards~~ the Advocate General's opinion on the Questions raised in connection with the applicability of the revised Navign rules in the -

18

BACK PAPERS.

No.	Date.
I 349 M	d/ 16. 10. 97

FURTHER PAPERS.

No.	Date.

Papers [illegible] on 8 11 97

I 349 M. 16 10 97
R 452 M 2. 10 97
I 325 M. 26 9. 97
R 112 M.A. 13 9 97
I 50 M.D. 21. 4 97
R 55 M.D. 7. 4 97
Madras Act II of 1890
G. I. Pol. No 1024 187 12 86
G O 162 J 15. 2 97
Act No X. of 1882
India Acts 1879

12 ✓ 19

From A. Joyce Esquire, Executive Engineer, Madura Dn, to the Superintending Engineer, II Circle, No: 291 S.E. dated 29 August 1897:—

In reply to your No: 669 M.D. dated 8 May 1897, I have the honor to report my opinion as follows with regard to rules published in Fort St George Gazette dated 23 March 1897 regarding Navigation on Canals &ca as they should be applied to the Periyar Lake.

Class I. General. All can stand.

Class II. Licenses

No: 4. Can stand

No: 5. Conditions and rates of fees. These I have given before in my No: 557 S.E. d/28 January 1897.

No: 6. Not wanted at all

No: 7, 8 & 9. Can stand

No: 10. Not required. No license should be granted for less than one year, year dating from April 1st to March 31st of year following.

No: 11. abolished. No six weeks licenses granted.

No: 12, 13, 14 & 15. Can stand.

No: 16. The wording should be altered from "No vessel licensed to carry passengers" to "No vessel carrying passengers".

No: 17. Can be abolished. No special licenses should be issued as yet for passenger boats.

No: 18 & 19. Can stand, but the fee for rafts should be fixed according to rules forwarded with my No: 557 S.E. d/28 January 1897.

Registration

No: 20. This should be modified according to my No: 557 S.E. d/28-1-97. Licenses should be granted for one official year only. No port need be specified, they should apply only to the Periyar lake.

No: 21. Wholly superfluous.

No: 22, 23 & 24. Can stand.

No: 25. is wholly superfluous.

Wharves.

No: 26. Not required yet. The question of wharfage fees may be considered hereafter.

No: 27. This can stand But wharves have to be constructed.

No: 28. Not required yet.

No: 29. Can stand.

No: 30. Not required as yet

Nos 31 & 32. Can stand

No: 33. Not required as yet.

Navigation Rules.

These might stand with the following exceptions.

No: 38. This can be omitted as not wanted yet.

No: 41. This can be omitted as no steamers should be allowed as yet.

No: 45. Unnecessary as yet

No: 54. Unnecessary. There will be no sea going vessels.

/ True copy /

O.V. Woolley Lt Col. R.E.
Supg Engineer, III Circle

CHIEF ENGINEER
FOR IRRIGATION.
2-OCT. 1897
No. 452 Irr
1

CHIEF ENGINEER
FOR IRRIGATION.
16 SEP. 1897
No. 113 ma
1

CHIEF ENGINEER
FOR [illegible] ON.
3-NOV. 1897
No. 499 Irr
2

8232-1
11541/97

14 23

No. 1285. L. D.

Supg Engineer's office, VI Circle

Camp Veerapandy D/. 13th September 189[illegible]

D/15

From

Lt. Col. O. V. Boddy, R.E.
Superintending Engineer
VI Circle,

To.

The Chief Engineer
for Irrigation

Sir,

Enclosure 1. With reference to your Mem No: $\frac{VI}{50 \text{ Ms}}$ dated 21 April 1897, I have the honor to forward herewith a copy of letter No: 291 S.E. dated 29 August 1897 from the Executive Engineer, Madura Division, in which he gives his opinion on the applicability of the Navigation Rules published in Fort St. George Gazette dated 23rd March 1897 to the Periyar Lake.

2. I have gone through these Rules and am of opinion that they are suitable to the circumstances of the Periyar Lake with the exception that all licenses should be is[...]

for 1 year. Our power of patroling the lake is, with our small establishment, so limited that the issue of six weeks licenses might give rise to irregularities, and I would not allow such licenses to be issued. I think that all the other Rules may be made applicable to the Periyar Lake.

It is, I think, very unlikely that for a long time to come more than 3 or 4 boats will take out licenses every year and they will be of small tonnage. It is probable also that the Lake may be utilized for floating timber rafts down to Theckady. In para 3 of G.O. No. 230 I dated 6 March/97, the exclusion of timber or rafts from the water shed cutting is ordered. I think that such rafts or timber may be allowed to be floated to Theckady, where there are conveniences for forming a wharf should one ever be required.

I have the honor to be
Sir,
Your most obed^t. Servant,

O. V. Nodley Lt Col. R.E.
Sup^t Engineer, VI Circle

CHIEF ENGINEER FOR IRRIGATION. 16 SEP 1897 No. 113 M.D
CHIEF ENGINEER FOR IRRIGATION. 2-OCT. 1897 No.
CHIEF ENGINEER FOR IRRIGATION 3-NOV. 1897 No.
Ow.2 1154/97

Opinion

1. The Periyar lake not being British territory but held on lease by the Secretray of State for India in Council under the Travancore Government, and the territorial legislative power of the Indian Council being limited to British India, the Canals and Public Ferries Act, 1890 (Madras) does not apply to the Periyar lake, and consequently no rules can be framed under sec 16 of the said Act for regulating the naviga-tion of the Periyar lake.

2. In my opinion, the proposed navigation rules cannot effectually be applied to the Periyar lake without the exercise by the Governor-General in Council of foreign Jurisdiction over the lake under the provisions of (India) Act XXI of 1879 (vide secs 4 & 5). Under the Periyar lease, the Travancore Government has not delegated any portion of its sovereign Jurisdiction over the lake to the Indian Government. But the Governor-General in Council can now acquire by grant or agree-ment from the Travancore Government such Jurisdiction as may be con-sidered necessary or desirable for the proper regulation and control of navigation of the Periyar lake. The Governor General in Council may thereupon, by an executive order, apply, under the provisions of the Indian Foreign Jurisdiction Act XXI of 1879, to the Periyar lake "Canal and Public Ferries Act" II of 1890 (Madras) and the rules that may be framed thereunder, and establish a special Court in the Travancore territory or authorize a neighbouring British Judge or Magistrate to enforce the provisions of the said Act.

3. Exercise of foreign Jurisdiction by the Governor General in Council over Canals and head-works of Canals in Native States is not uncommon. Whether, in regard to the Periyar lake, it will be sufficient for practical purposes to acquire foreign Jurisdiction limited to regulat-ing navigation, or whether it will not be desirable to acquire such Jurisdiction generally for the Administration of the Periyar lake, during the continuance of the lease is a matter to be determined by the Local Government.

4. I may here mention that under section 8 of The Foreign Jurisdiction and Extradition Act XXI of 1879 and section 188 of the Code of Criminal Procedure (Act X of 1882) (vide definition of "offence" in section 4 (p) of the Criminal Procedure Code), the penal sections of Madras Act II of 1890, namely, 17 to 20 will apply to British Subjects, whether Native or European, infringing the provisions of the said Act on the Periyar lake. Under section 22 of the Indian Councils Act, 1861 (st 24 & 25 Vict. C. 67), section 1 of st. 28 & 29. Vict. C. 17, and section 1 of st 32 & 33 Vict. C. 98, the Governor General in Council has power to legislate for servants of the Government of India, and British Subjects, whether European or Native, within the dominions of princes and States in alliance with Her Majesty. This extra-territorial personal Jurisdiction of the Legislative Council of the Governor General does not extend to the Subjects of Native States. Having regard to this as well as to the fact that a Local Legislature does not seem to possess the same extra-territorial personal Jurisdiction as the Council of the Governor General, it would be impracticable to carry out effectually the object aimed at in regulating the navigation of the Periyar lake, otherwise than by acquiring delegated Jurisdiction from the Travancore Government as already suggested.

Madras)
1st November 1897)

V Bhashyam Iyengar
Offg Advocate General

(True copy)

William Morgan

Acting Government Solicitor.

CHIEF ENGINEER
FOR IRRIGATION
3 - NOV. 1897
498 M

Q.W. 83
R 544/97

16 27

No. 688

Madras 2nd November 1897.

From,

William Morgan
Ag: Government Solicitor
Madras.

To,

The Joint Secretary to Government
Public Works Department
Irrigation Branch.

Sir,

With reference to your letter dated 16th ultimo No 349 M. I have the honor to inform you that I have obtained the opinion of the Honorable the Officiating Advocate General on the questions therein raised and now forward herewith copy of such opinion.

2. I also return the enclosures which accompained your letter under reply.

I have the honor to be
Sir
Your Obedient Servant

William Morgan

Acting Government Solicitor.

CHIEF ENGINEER
FOR IRRIGATION.
3 - NOV. 1897
No. 498

17 28

Public Works (1897) Department.

IRRIGATION BRANCH.

ISSUE No. 349 C.I.

To

The Govt Solicitor
Madras

(Reply to letter No. , dated).

Dated 16-10-97

Despatched 20-10-97

Enclosures * 5

* Particulars of Enclosures.

SUBJECT.

Periyar Lake - Requests under the circumstances explained to obtain the Advocate Genl's opinion whether the proposed revised navigation rules can, if adopted, be enforced on the — and if the Canals & Ferries Act does not apply, in what way can rules be enforced.

Indexed

?. Form No. 13—2,000—23-2-97.

29

BACK PAPERS.

No.	Date.

Sent to Government with No. I.,
dated 1897.
Printed with G.O., No. I.,
dated 189 .

REMINDERS ISSUED.

No. 1, dated 189 .
" 2 "
" 3 "
" 4 "
" 5 "

KEEP-WITHS

FURTHER PAPE

No.	Date.
R498m	2-11-97

18 30

To

No 349 M

The Government Solicitor

Madras.

Sir

G.O. No. 230. I dd 6th March /97 decides that the revised Navign. rules proposed under Madras Act II of 1890 & printed in Proclg No. 162. I dd 15 February 1897, are to be made applicable to the Periyar lake, & settles the fees to be levied pending the issue of these rules. The modifications proposed in the above rules by the Supg Engr. VI Circle, and the Executive Engineer, Madura Dn, (vide papers enclosed) necessitate a special set of rules being drafted for the Periyar lake, and the question arises whether the Madras Canals & Ferries Act applies to the lake which is not British territory. I am direct-

Encls: 5

Procly No 162- I dd 15th Feby /97

" " 230. I dd 6th March /97

Letter from S.E. VI Circle

No. 1285 M.D. dd 13.9.97

with Enclosure.

Procly No 1041, Political, dd 7th Decr 1886.

to request that you will be so good as to obtain the Advocate-General's opinion whether the proposed revised Navigation rules can, if adopted, be enforced on the Periyar lake and, if the Canals and Ferries Act does not apply, in what way can rules be enforced.

R 4526

2. A copy of the Periyar lease embodied in B.n.G. No. 1041, Political, d/ 7 Decr/86 is herewith forwarded with the other papers referred to for the information of the Advocate-General.

W.H.
16.10.97

9

Cml. 3410
[illegible]

82

Public Works (1897) Department.

CURRENT No. 452 M.

Order

From The Government Solicitor

No. 575

Dated 2nd Octr 1897

Received — Do —

Enclosures 1

Spare copies

SUBJECT.

Enforcement of Navigation rules on the Periyar Lake — ref g: G. O 162. I. d/ 15 – 2 – 97 with remarks as to the —

33

BACK PAPERS.

No.	Date.
S325m	28-9-97

FURTHER PAPE[RS]

No.	Da[te.]
S349cd	16-10-97
R498m	2-11-97

D/ No 575 311

High Court
Madras 2nd October 1897.

Dear Sir,

I am in receipt of your No 325 M. of the 28th ultimo with enclosures.

The questions raised as to how far the Madras Canal and Ferries Act would apply to the Periar Lake, seeing that such Lake is not in British Territory and as to the enforcement of the proposed Navigation Rules if the Act is applicable, or if not, as to how such Rules can be enforced, raise questions of considerable nicety and importance, and I would therefore suggest that you should send the papers up (through me) for the opinion of the Advocate General, to enable you to do which I return same.

Yours faithfully
William Morgan
Ag Govt Solr

The Chief Engineer
for Irrigation,
Madras.

CHIEF ENGINEER
FOR IRRIGATION.
2- OCT. 1897
No. 452 M.

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Public Works (1897) Department.

IRRIGATION BRANCH.

ISSUE No. 325 M.

To

The Govt Solicitor

Madras

(Reply to letter No. , dated).

Dated 28. 9. 97

Despatched 1. 10. 97.

Enclosures * 5

* Particulars of Enclosures.

SUBJECT.

Periyar Lake – Requests under the circumstances explained to favour this office with his opinion whether the proposed revised Navigation rules, can, if adopted be enforced on the — and if the Canal & Ferries Act does not apply in what way can rules be enforced.

a No. 13—2,000—23-2-97.

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BACK PAPERS.

No.	Date.
R 113 M D	13-9-97

Sent to Government with No. I.,
dated 1897.
Printed with G.O., No. I.,
dated 189 .

REMINDERS ISSUED.

No. 1, dated 189 .
" 2 "
" 3 "
" 4 "
" 5 "

KEEP-WITHS

FURTHER PAPE[RS]

No.	Date.
R 452 M	2-10-97
R 498 M	2-11-97

22

No 325 M. 37

To
The Govt Solicitor

Sir,
Govt 230 I. of 6 Mar/97 decides that the revised navigation rules proposed under Madras Act II of 1890 & printed in Proclg No. 162 I. of 15 Feb/97 are to be made applicable to the Periyar Lake & settles the fees to be levied pending the issue of these rules. The modifications proposed in the above rules by the Supdg Engr, VI Circle & the Ch Engr, Madras vide papers enclosed involve a special set of rules being drafted for the Periyar Lake & the question arises whether the Madras Canal & Ferries Act applies to the Lake which is not British territory. I have the honour to request that you will be so good

Enclos
Proclg No 162 I. 15.2.97
" 230 I. 6.3.97
Letter from S.E. VI Circle
No. 1285 M.O. of 13.9.97
with enclos:
P.M.G. No. 1041 d/ 7.12.86.

your opinion whether the proposed revised navigation rules if adopted can be enforced on the lake. If the Canal & Ferries Act does not apply I shall be glad to know in what way can rules be enforced.

2. A copy of the Persian treaty embodied in Punj. No 1041 Political of 7 Decr. 86, is herewith forwarded with the other papers referred to for your information.

[illegible]
[illegible]

R 113 [illegible]

[illegible]

27 39

Public Works (1897) Department.

CURRENT No. 113 M.D.

Order

From The Supdg Engr.
VI Circle

No. 1285 M.D.

Dated 13th September/97

Received 15 /do

Enclosures 1

Spare copies

SUBJECT.

Navigation Rules -

Forwards with remarks Copy of Ex Engr's letter regarding the applicability of the — published in the Fort. St George Gazette to the Pericyar Lake -

BACK PAPERS.

No.	Date.

FURTHER PAPERS

No.	Date.

24 40 / 14

Public Works (1897) Department.

IRRIGATION BRANCH.

ISSUE No. 5040

To

The Supg Engineer [illegible]

(Reply to letter No. 525 W.D. dated 7-4-97).

Dated 24-4-97

Despatched 26 do

Enclosures *

* Particulars of Enclosures.

SUBJECT.

Periyar Lake – E.E. requested to report on any points in the draft navigation rules published in the Fort St George Gazette which require modification to meet the circumstances of the –

[illegible]

Form No. 13—2,000—22-2-97.

41

BACK PAPERS.

No.	Date.
R 184-J	6-3-97
R 55 M.D	7-4-97
J 40-PL	17-9-96
J 14-M.D.	6-2-97
A 97-PL	1-12-96

Sent to Government with No. I., dated 1897.

Printed with G.O., No. I., dated 189 .

REMINDERS ISSUED.

No. 1, dated 189 .
" 2 "
" 3 "
" 4 "
" 5 "

KEEP-WITHS.

FURTHER PAP[ERS.]

No.	Date.
R 113 M.D	13-9-97
R 452 M	2-10-97
R 490 M	2-11-97

Papers.
R 55-M.D/97.
J 14. M.D/97 & papers.
G.O. 230-J/87.
G.O. 601-J/86
R 270 J/86

No. 50 M.D.

Memo

Cir No. 545 M.D. d. 7th inst to the U.S. Ex. the Lemons to refer to the G. 2. 15.

With reference to G.O. No. 230. I. d/ 6.3.97 and the draft Navign. Rules published in a supplement to ~~page~~ of the Fort St. George Gazette d/ 23rd March 1897 the Supg Engineer is requested to be so good as to report on any points in the rules which require modification to meet the circumstances of the Peryar Lake.

will be filled in by the Madras office

21/4 97

W.H. 25/5

To

The S.E. VI.

26 43

Public Works (1897) Department.

CURRENT No. 55 W.D.

Order

From

The Supt. Engr. II Circle

No. 545 W.D.

Dated 7th April/97

Received 10 April/97

Enclosures 2

Spare copies

SUBJECT.

Rules for the Navigation of the Periyar Lake. Forwards for approval a draft of —

BACK PAPERS.

No.	Date.

FURTHER PAPERS

No.	Date.

27 44

Draft Rules for the naviga-tion of the Periyaur Lake.

1. The rate for the carriage of timber on the lake to be eight anna per % cubic feet measured in the log.

2. Wood only allowed to be landed out of the lake at two especial place Periyaur itself and Thekadi.

3. Depots will be arranged at those places according as the require-ments of the case may be.

4. Any timber once landed and afterwards refloated on the Lake to pay a fresh rate.

5. All boats other than Governmen boats plying on the Canal to take out license yearly and be regis-tered.

6. The payment for the registration itself to be Rs 2-0-0. Any fresh copy of the registration to be Rs 1-0-0.

7. The fee for navigating the lake by ordinary boats to be 12/- a year for all boats of one ton tonnage or less. For every ton or portion of a

-ton beyond $6/-

8. The license to run from January 1st to December 31st of the particular year. All boats plying under the license to have a registered number. This registered number to be painted on both Port & Starboard Bows.

9. All boats on moonless nights to carry a distinct light plainly visible from all quarters unless beached.

10. All boats used for towing timber to have license and pay fees distinct from the fees for timber.

Seems unnecessary with upriver rules
HH
[illegible]

11. Any breach of these rules makes the owner of the boat liable to be deprived of his license, have it suspended for a certain time [and also to have boat forfeited to Government.]

+ max[illegible] period [illegible] might be [illegible]

This would prov[e] illegal.
It is probably a[s] that no dama[ge] likely to occ[ur] by drift timb[er]

12. For the present no steamers other than the Government steamer to ply on the Lake.

13. Government steamer not allowed to tow private boats, barges

or wood for the present.

14. The Executive Engineer, Madura Division, to be the responsible officer for enforcing these rules.

O. V. Bodle
Lt. Col. R.E.
Superintending Engineer
VI Circle
7-4-97

[illegible]

...f suspension
...cepted.

...ably be

...nticipated
...es are
...st forest works
...es &c. Under para 3 of G.O. No. 2303 of 6/8/97 timber rafts are excluded from the water tax cutting.

[illegible]

CHIEF ENGINEER
FOR IRRIGATION.
10 APR 1937
No. R 85 [illegible]

29 45

From A. Joyce Esquire, Executive Engineer, Madura Dn, to the Supg Engineer VI Circle, No: 557 S.E. dated 28th January 1897: —

In reply to your No: 1572 Ms of 14th December/96, I beg to forward herewith a rough draft of rules for the navigation of the Periyaur lake. I propose that these rules should be enforced for the next five years only. After that I fully expect that we shall have more accurate experience of the requirements and it will be probably best to reframe them.

2. × × × × ×

3. I do not think it is advisable to grant any fishing rights yet; but it would be well to consult some naturalist as to the advisability of stocking the lake with fish & also as to the best sorts to use and the mean to do so. I am in hopes that there may be a large increase in Mahseer

---

/ True Extract /

O. V. Bodley Lt. Col. R.E.

Supg Engineer, VI Circle

7-4-97

CHIEF ENGINEER
FOR IRRIGATION.
10 APR. 1897
No. 1255 ...

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No. 545 M.O. 30

OFFICE OF THE SUPERINTENDING ENGINEER,
6TH CIRCLE,

Trichinopoly, 7th April 1897.

0/92

From

Lt-Col. O. V. Boddy, R.E.
~~The~~ Superintending Engineer,
6th Circle.

To

The Chief Engineer,
for Irrigation

SIR,

2 ENCLOSURES.

With reference to para 2 of your Memorandum No. $\frac{VI}{40 P.R.}$ dated 17 September 1896, I have the honor to forward herewith for your approval a draft of rules for the navigation of the Periyar Lake.

2. An extract (paras 1 & 3) from a letter from the Executive Engineer, Madura Dn, on the subject, No. 557 S.L. dated 28 January 1897 is also forwarded for information.

I have the honor to be,
Sir,
Your most obedt. Servant
O. V. Boddy
Lt-Col. R.E.
Supg Engineer, VI Circle

250—20-4-96

P. W. D. 6th CIRCLE.

CHIEF ENGINEER
FOR IRRIGATION.
10 APR. 1897
No. 1255 Irrd

FROM

THE SUPERINTENDING ENGINEER,
6TH CIRCLE,

TO

THE CHIEF ENGINEER,

NO.

Dated. }
Received. } 189 .

Enclosure,

31

Printed with G.O. No. 230 I
d. 6/3/97

VI
40 P.R. d/17-9-96.

Memorandum

With reference to letter No. 1078 M. D. dated, 28th August 1896 from the Superintending Engineer Sixth Circle the undersigned has the honour to request that he will be so good as to forward to this office as soon as possible a copy of the Periyar map showing the boundaries and the area of the land which he proposes to acquire in addition to that within the 155 feet contour. On receipt of this map, steps will be taken for obtaining the consent of the Travancore Government for the acquisition of the land.

2. The Superintending Engineer is also requested to frame rules and propose rates of fees suitable for navigating the Periyar Lake something similar to those which apply to the Chilka Lake and other lakes. A copy of the draft

48

navigation rules is forwarded herewith for reference. As the Periyar Lake is out of the British territory neither the Canals and Ferry Act nor the rules framed under it can be made applicable to it. A fresh set of rules has therefore to be drawn up.

(Sd) F. J. W.
17-9-1896

To
The Superintending Engineer
Sixth Circle

E.I. Form No. 4—100—16 9-96.

49 Regulating navigation on the Periyar

32

7

PUBLIC WORKS DEPARTMENT,

IRRIGATION BRANCH.

H.E. the Governor.

READ the following :—

P.M.G.NO:230.I.dated 6th March 97.

Letter NO:68[illegible].dated 2nd November 1897,from the Acting Government Solicitor forwarding an opinion of the Hon'ble the Offg:Advocate-Genl

FOR ORDERS.

The Advocate-General makes the suggestion that jurisdiction might be taken for the general administration of the Periyar lake. I am inclined to think this suggestion merits considn. As such a proceeding would affect other departmts. than the P.W.D., the file should, I think, go to the Public Dept. for considn. & comment.

A.S.H.
16.11.97

The order quoted above decides that for the purpose of regulating traffic on the Periyar lake that the new rules,about to be issued,as applicable to the Chilka lake group,will be made applicable to the Periyar lake, and that pending the issue of these rules certain fees should be levied from vessels making use of the lake.

CURRENT NO 4454 ~~1487 [illegible]~~

Subsequent correspondence showed that it would be necessary to draft a special set of rules to meet the circumstances of the lake,and the opinion of the Advocate General was sought on the question whether the Madras Canals and Ferries Act (under which the new rules about to

No 4907 C dy 20th November 1897

Forwarded to the Public Department with reference to H E's remarks.

W. Hughes
19.11.97

[illegible]
19/11/1897

be issued as applicable to the Chilka lake group are drafted) can apply to the Periyar lake, which is not British Territory, and if the act does not apply in what way could navigation rules be enforced.

The Advocate General gives it as his opinion that the proposed navigation rules cannot effectually be applied to the Periyar lake without the exercise by the Governor General in Council of foreign jurisdiction over the lake under the provisions of (India) Act XXI of 1879 (Vide sections 4 and 5), but the Governor General in Council can now acquire by grant or agreement from the Travancore Government such jurisdiction as may be considered necessary or desirable for the proper regulation and control of navigation of the Periyar lake & for the reasons given in para 4 of his opinion the Advocate Genl: considers

FOR ORDERS.

considers this is the only way to effectually carry out the object aim-ed at viz the regulating of the navigation of the Periyar lake.

The Advocate General raises the question whether it will be sufficient for practical purposes to acquire foreign jurisdiction limited to regulating navigation, or whether it will not be desirable to acquire such jurisdiction generally and which it is for the Local Government to determine. The objections to acquiring general jurisdiction would appear to be (1) the extra territorial personal jurisdiction of the Legislative Council of the Governor General does not extend to subjects of native states and (2) the local legislature does not seem to possess the same extra-territorial personal jurisdiction as the Council of the Governor General

But not if general jurisdiction were acquired
[illegible]
1.12.97

Special rules for the navigation of the Periyar lake may it is thought be

FOR ORDERS.

be drafted and the Government of India may then be adressed in view to the acquisition by the Governor General by agreement from the Travancore Government delegated jurisdiction as suggested by the Advocate General.

W.H.
8.11.97.

" I "

H.L. 8.11 Reln 1911

CURRENT No. 4454

55

Political Dept.

C. No. 1407.

24

To Public Dept.

The current has been registered in the Political Dept as it relates to Periyar but it will be seen that H.E. the Governor wishes the question raised in the file to be considered by all depts.

H.E. only says Public.

H.E. uses "Public" & is thought in a general sense. Judl shd. be consulted?

Cmd

B From GOs No. 67/8 Pol dated
D 1st Feby 1892 and No. 167 Pol dated 8th March 1895 it will be observed that criminal and abkari jurisdiction as regards the Periyar camps was ceded by the Travancore Darbar to this Govt. ~~Pol~~ There seems to be ~~Dept sees~~ no objection so far as Pol is concerned to the jurisdiction now proposed provided that the proper formalities as regards cession are observed.

Cmd.
24/11/97

(1) Attention is invited to G.O.s Nos. 64 & 65 Pol of 29th Jan. 18[illegible] para 3 'This Government ha[s] never shared the view of th[e] Chief Engineer that the complet[e] assumption of sovereign jurisdiction over the ground occupied during the construction of the

The file will be referred to Judicial for a note on the legal aspects of the case.

AA 26.11.97

Ref

Please put up the G.O. papers 7/92 regd. the delegation to the British Govt of the Pol- & criminal jurisdiction over the Periyar Camp. also the orders of [illegible] regd. the cession to British of [illegible] Landing [illegible]

works was necessary or desirable?

(2) The criminal and Police jurisdiction over the camps referred to in the note prepared in Pol. above was only extended up to Dec. 31st 1896 (G.O. 683 of 1st Oct. 1894, at O) and is therefore now extinct so far as the papers put up by Pol. show.

The file is therefore returned to Pol. for favour of further inquiry as their note appears to be defective.

NRC
24/xi/97

(1) The present proposal of the Public Works Dept ~~proposal~~ relates to the ~~[illegible]~~ navigation of the Periyar lake. The previous case referred to in (1) above, ~~was~~ related to the assumption of sovereign rights ~~[illegible]~~ over the grounds occupied by the Periyar camp. The ~~[illegible]~~ question of the Periyar lake has really been already decided by Govt. vide G.O. 230 I. of 6 March 1897 and the Pol. Dept will doubtless be consulted by the P.W.D. before the special rules for the navigation of the Periyar lake (vide last para of its note) are sub^d. to India, so that the Darbar may be referred to if necessary. To the P.W.D proposal in its present shape no Pol. objection can be seen.

(2) The ~~[illegible]~~ ceded jurisdiction has lapsed. The precedents were quoted merely to show ~~what was~~ the course then followed.

CWS
24.xi.97

35 55

NOTE FOR C.S.

This file which relates to the legal steps which have to be taken in order to apply the rules under the Madras Canals and Ferries Act to the Periyar lake, has been sent to Public under the orders of H.E. the Governor.

The note put up by Pol. led me to suppose that the limited criminal and Police jurisdiction granted in the G.O.s quoted there was still in force. It will be seen that this is not the case, and therefore presumably the British Government has no juris--diction over Travancore native sub--jects in the vicinity of the Periyar.

In the second note it is said that the question of the Periyar lake has really already been decided in G.O.No. 230 of 6/3/97.

This, however, is not correct, as that G.O. relates only to the navigation of the lake by officers of the Travancore Government, an[d] allows the navigation of a certain portion of the lake to be carried on pending the issue of the new Rules at a certain scale of fees.

The present proposal is to apply the rules which are in force on the Chilka lake to the new lake at Periyar, so that all boats carrying on trade of any kind there may be ~~licensed~~ registered and kept under supervision.

From the terms of the original lease granted by the Travancore Government it will be seen that there is no question of the exclusive right of the British Government to use the lake.

(O. 1.) " THIRDLY FULL RIGHT POWER AND LIBERTY TO CONSTRUCT MAKE AND CARRY OUT ON ANY PART OF THE SAID LANDS HEREINBEFORE DEMISED, AND TO USE EXCLUSIVELY WHEN CONSTRUCTED MADE AND CARRIED OUT BY THE LESSEE ALL SUCH IRRIGATION WORKS AND OTHER WORKS ANCILLARY THERETO......"

The actual lake is granted in "Fourthly" - "All waters" on the 8000 acres.
M.A.

In G. O. 230 of 6/3/97 the officials of the Travancore Govt. were allowed as a favour to make use of the Lake without payment for navigation purposes, and other persons were also allowed to navigate on fixed terms. It would seem therefore as if the matter was one which could be settled by executive orders in the P. W. D., as they have the right of prohibiting navigation altogether on the lake, and therefore presumably the right of allowing its navigation subject to compliance with any regulations which they may think fit to lay down.

Were jurisdiction to be acquired from the Travancore Government only over the surface of the Lake itself, a difficulty might possibly arise over the place of registration, section 21 of draft rules (A)

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It will be seen that H. E. the Govern- -or is in favour of acquiring juris- -diction for the general ~~[illegible]~~ administration of the Periyar Lake. It appears that the P. W. D. have misun- -derstood the Opinion of the Advocate General. The meaning of para. 4 of his letter is that though under the exisiting laws quoted therein the Gov- -ernor General has power to legislate for British subjects, native and Eur- -opean, and for servants of the Govern- -ment of India within the Travancore State, he has no such power over the subjects of the Travancore State, and that this is the REASON for the adop- -tion of the course suggested by him, namely to apply for jurisdiction over ×the Lake, and not, as understood by the P. W. D., the objection to the adoption of that course.

× for its general administration as opposed to the limited jurisdiction required for navigation Rules pure & simple.

This therefore is clearly the right course to adopt, as the Advocate Genl says (in spite of the clause in the Lease quoted above) that " Under the Periyar lease the Travancore Government has not delegated any portion of its sovereign juris- -diction over the Lake to the Indian Government. "

When applying for this it ~~[illegible]~~ would perhaps be well to make it clear

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that jurisdiction is required not only over the surface of the Lake, but over th-e area as described in the original lease at (O. 1.) This would avoid the difficulty indicated above about the "place of registration".

M.C.
25/x

C.S. 39 59

Navigation of the Periyar Lake.

Note for the C.S.

The Periyar lake & the tract of land round it are situated in the Travancore territory, and as the Durbar has not delegated its sovereign jurisdiction over this area to the British Govt., the latter cannot enforce its laws there without the consent of the Travancore Govt. It is true that the third clause of the lease printed in G.O. 1041 / 7-12-86 Pol Flag A gives the right of enjoyment of the lake exclusively to this Govt., & it can therefore make such rules as it thinks fit for the protection of the lake and for the regulation of its navigation & traffic. But such rules will have no legal validity unless they are in consonance with the general laws of Travancore. Moreover, breaches of those rules will be subject to the judicial cognizance of only the Travancore tribunals, and the officer in charge of the Periyar works will have to resort to those

Margin notes:

AAt

But cannot enforce them
AAt

60

tribunals for legal remedy.

2. Again, suppose a subject of the Travancore State commits an assault on the lascar of a British boat while it is in the middle of the lake. Under the existing state of affairs, the offence cannot be dealt with by a British tribunal. It has to be enquired into by a criminal Court in Travancore. The police & criminal jurisdiction which was ceded to this Govt. × in 1892, as a temporary measure, extended only up to the 31. Dec. 96 & British courts have therefore no jurisdiction ~~over~~ now over this area in regard to the trial of the subjects of the Maharaja.

× G.O. 67 / 1-2-92 Pol—

× O

3. Such a position will be a source of great inconvenience to this Govt, & it seems therefore desirable to negotiate with the Durbar for the grant to the British Govt of full sovereign jurisdiction ~~over the area covered by the lease~~ over the tract of land included in the lease for the period for which the present lease

is in force. If the Durbar concedes this jurisdiction, the G. of I. may be moved to issue notifications under secs. 4 & 5 of the Foreign Jurisdiction & Extradition Act, XXI of 1879, extending to that area such acts & regulations as may be considered necessary for the maintenance of law & order, for the protection of the lake & ~~for~~ the regulation of its navigation.

(Sd.
30/11/97) It seems quite plain from the lease at Q that the Travancore Govt. did not mean to alienate any of its sovereign rights. The suggestion that the *third* article of the lease ~~to~~ gives this Govt. complete power over the ~~navigation~~ of the lake** is negatived by the *sixth* article, which expressly grants to this Govt. fishing rights. This provision would of course be unnecessary if this Govt. had already under the third article obtained the ~~exclusive right~~ Exclusive right to use the

** & that therefore a P.W.D. executive order is sufficient in the present case.

Lake. The third article is somewhat vague but what it appears to mean is that the Govt. will have exclusive right to use, when constructed, the irrigation works, that is to say that no one can claim to take water from our channels or otherwise enjoy or the results of our work.

Whether any formal transfer of general jurisdiction is necessary may be doubted: this is perhaps not a matter with which Govt. is concerned directly – but as, if there is such a transfer it will be necessary to arrange for some magistrate to have jurisdiction over the spot in question, it seems well to suggest that the Durbar might merely be moved to introduce, or permit the introduction of the navigation rules required. There seems to be no reason why the Durbar should not itself introduce the rules, (by Regulation or otherwise) appointing the British officers to execute them.

It certainly transfers no sovereign jurisdiction – sovereignty all expressly reserved later on in the lease. Only the rights specially described are transferred. "All waters" on the [illegible] are demised & granted. Whether anything "sovereign" right is involved is questionable.

M.A.

41

But as "the waters" belong to the Brit. Govt. no Trav. official has a right to go on them.

M.A.

N.S.
How far is the nearest (a) British Magistrate & (b) Travancore Magte from the Periyar lake, and is there any road from the lake to the Trav. Magte.

M.A. 1.12.97

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The Durbar will strongly object to any transfer of jurisdiction which will permit this Govt. to do exactly what Travancore is now protesting against - viz. to stop navigation of the lake by Travancore officials & contractors. Some compromise will therefore be necessary and it might be in many ways more convenient for offenders against the rules which are eventually introduced to be tried in Travancore, and for the P.W.D. to have the assistance of the Travancore police & their officials in working the rules.

10

If however the navigation rules are to be worked by this Govt there appears to be no legal objection to the acquisition (by agreement with the Durbar) of partial or complete sovereign rights.

[illegible]
30/xi/97

The nearest British Magistrate is at Oottamapolayam, 25 miles

and the nearest Travancore magistrate is at Peermade between 21 & 27 miles from the Periyar camp* (vide Col. Pennycuick's letter at R).
From sheet 11 of the Prov. map herewith submitted it would appear that the facilities for communicating with these two places from the Periyar are about the same. The main road runs from Ottaipalayam to Peermade.

A.K.
2/xii/97

* by the nearest practical route.

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D.O. 65

To the Adv. General

w2
4/12/97

CHIEF
SECRETARIAT,
F. O.
No. 521
Dated, 4-12 1897

My dear Sir,

Will you be so good as to clear up a difficulty which occurs to me in reading your Opinion of 1st Nov. last on the application of the Canals & Public Ferries Act to the case of the Periyar Lake.

As I understand your opinion (para 2) the G.G. in C. can obtain from the Trav. Durbar such jurisdiction as will allow the G.G. by notifn. under Act XXI of 1879 to apply the provisions of the Canals & P. Ferries Act. ~~[illegible]~~ but (para 4) no subject of the Travancore Durbar would be liable to the penal provisions of the Act, & only British subjects native or European would be liable.

2 But at the end of para 4 you speak of a delegated jurisdiction – the same presumably ~~[illegible]~~ spoken of in para 3 as jurisdiction generally for the administration of the Periyar Lake.

In what way does this delegated jurisdiction differ from the former. ~~Do you~~ Is it meant that the entire sovereign jurisdiction of the Trav. State over the Lake for police, civil & criminal purposes must be transferred. And ~~how~~ in whatever way, or to whatever extent ~~the~~ jurisdiction is transferred — must not the British laws be applied to the area under Act XXI of 1879, and will not the native subjects of Travancore continue exempt from the law as before.

~~A.L.A.~~
~~4.12.97.~~

3. No such limitation of jurisdiction ~~to the~~ British subjects was understood in the late application of the Madras Abkarry Act & of criminal jurisdiction generally over the site of the Periyar Camps — vide G.Os. No 683 of 1st Oct 1894 & No 167 of 8th March 1895. (enclosed & to be returned). This jurisdiction ceased on 31st Dec. 1896.

A.L.A. 4.12.97.

copied } 4/12/97
x'd }

To the ag: Advocate Genl

[G. / 9]
1,000—19

43 67

(189) Department.

D. O No. 896

From

The Hon V. Bhashyam Iyengar

D. O.

No.

Dated 11-12-97

Received 13-12-97

Registered 13-12-97

Enclosures —

Spare copies —

SUBJECT.

Jurisdiction over Periya…

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BACK PAPERS.

G.O.	No.	Department.	Da
DO	Desp No 521		dt 4 12 97

FURTHER PAPER

G.O.	No.	Department.	D

D.O.

69

CHIEF SECRETARY
13 DEC 1897
GOVERNMENT OF MADRAS

Uthapore

11th December 1897

My Dear Sir,

I am in receipt of your letter of the 4th Inst. In para 2 of my memo dated 1st November 1897 I meant to express it as my opi[illegible] that Madras Canals and Public Ferries [illegible], 1890, and the rules to be framed there[illegible] cannot be extended to the Periyar lake [illegible] make the same applicable not only [illegible]sh Subjects but also to the subjects of the Travancore state unless the Governor Ge[illegible] in Council acquires by grant or agreeme[illegible] from the Travancore Durbar such [illegible] diction as may be considered neces[illegible] effectual regulation and con[illegible] [illegible]rigation of the Periyar lake.

In para 3, I pointed o[illegible]

Local Government alone, in consul-
tation with the District officers was
in a position to determine whether it would
sufficient to acquire foreign jurisdiction
limited to regulating navigation, or whe
it would be necessary or desirable to acquir
a more extensive jurisdiction for civil, crimi-
nal, police or fiscal purposes in respect of the
territory covered by the lake and the tract
adjacent thereto.

If foreign jurisdiction
the regulation and control of navig
alone acquired, the general civil an
nal jurisdiction of His Highness the M
Travancore over the said territory would
tinue subject to the exercise by the Govern
al in Council of foreign jurisdiction
ect of navigation only.

In para 4 of my memo, all the
ay was that without acquiring

foreign Jurisdiction, general or limited, it would be possible to apply the general provisions of the Canals and Public Ferries Act and the rules framed thereunder to British Subjects only whether European or native under section 8 of the Foreign Jurisdiction and Extradition Act, 1879, and section 188 of the Code of Criminal Procedure. In that case, any British Subject infringing the provisions of the Canals and Public Ferries Act on the Periyar lake
have to be tried in British India under
tion 188 of the Code of Criminal Procedure
he had infringed such provisions at the
ce within British India at which he may
be found. As I thought that it would be necessary for the effectual regulation and control of navigation that the provisions of the Canals and Public Ferries Act and the rules to be framed thereunder should be applied not only to British Subjects but also to the subjects of the Travancore state, I sug
in paras 2 and 3 of my opinion, tha

Governor General in Council should now acquire by grant or agreement from the Travancore Durbar either a limited Jurisd[illegible] or a wider Jurisdiction as might be deemed necessary or expedient by the Local Government.

Whether the foreign Jurisdiction that may be acquired by the Governor-General in Council over the territory covered by the Periyar lake and the tract adjacent thereto be a limited one or a wider one, th[illegible] of the Travancore state will, equally w[illegible] British Subjects, be subject to the exerc[illegible] such Jurisdiction. If general Jurisd[illegible] over the lake for police, civil, and Criminal purposes be delegated to the Governor-[illegible]eral in Council, not only the Canals [illegible] Public Ferries Act but also various [illegible] Acts including the Penal Code [illegible] [illegible]de of Criminal Procedure will [illegible] [illegible]plied by an executive order of the

Governor

2/. 73

Governor General in Council to such area. But if limited jurisdiction were acquired, such Acts alone as are necessary for the exercise of such limited jurisdiction will have to be applied, the regulations and laws of the Travancore State being in force in such tract as regards matters outside the scope of such limited jurisdiction, and the same administered by that Government.

The extra-territorial personal jurisdiction over British Subjects, native or European, is one exerciseable by the ordinary British Courts established by the Indian Legislature and not foreign jurisdiction exerciseable by the Governor-General Council in his executive capacity through officers and Courts appointed by an executive order, and empowered to administer laws passed by the Governor General in Council

in

in his executive capacity.

The application (which has now expired) of the Madras Abkarry Act and Criminal Jurisdiction generally over the site of the Periyar Camps was the result of obtaining delegated Jurisdiction fr[om] the Travancore Durbar, and therefore, as above pointed out, the exercise of such Jurisdiction was not limited to British Subjects.

I may, in conclusion, refer to th[e] recent decision of the Judicial Committe[e] of the Privy Council in Sayad Muhammad Yusuf-ud-din versus The Queen Empress (. Calcutta Weekly Notes, p. 1) which clea[rly lays] down that the extent to which the [Gove]rnor General in Council may exerc[ise] territorial foreign Jurisdiction in a No[n-Brit]ain State should be determined sole[ly]

o

75

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on a construction of the grant of such jurisdiction by the sovereign of the native state

Yours very truly

[illegible] Iyengar

The Hon'ble Mr. A. T. Arundel I.C.S.

The chief Secretary to Govt.

Fort St. George

[illegible]

[illegible]

G. / 25
500-2-9-97.

C. 14/1/98
C. 19/1/98

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D

C. No.

48

HIS EXCELLENCY THE GOVERNOR.

THE HON'BLE SIR HENRY BLISS, K.C.I.E.

THE HON'BLE MR. GROSE, C.I.E.

SUBJECT.

Application of the Canals & Public Ferries Act (II of 1890) to the Periyar Lake.

FOR ORDERS.

Rules for the navigation ~~of~~ on the Periyar Lake are necessary and the question has arisen under what law are the rules to be framed & by what authority are they to be enforced.

The law in force in British territory is Madras Act II of 1890 (Canals & Public Ferries Act) and it is desired by the P.W.D. to apply this law to the case of the Periyar Lake.

At the present time the British Govt. has no police or criminal or other jurisdiction over the Lake. The power temporarily conceded by the Travancore Durbar expired at the end of 1896.

The matter is beset with no little difficulty.

It seems probable that, as stated in this Note, the Travancore Durbar will object.

The Resident, the Dewan and the Maharajah of Travancore will be in Madras next month. I think it would be of advantage that the Chief Sec. helped by Mr. de Winton and Mr. Hughes, should discuss the matter personally with the Resdt. and the Dewan, and see what arrangement can be come to.

A.H.
18.1.98

This course seems suitable if it is necessary to establish any Navigation Rules over the Lake. But I have not been able to ascertain

JG
19/1/98

General has been

He points out that

acquire by grant or agreement from the Travancore Durbar such sovereign powers and jurisdiction as may be necessary for the control of the Lake. The G. G. in C. can then under the Indian Foreign Jurisdiction Act (XXI of 1879) apply the Canal & Ferries Act to the Periyar Lake.

There are two objections to this course.

1. If sovereign jurisdiction is transferred it will be necessary for the officer in charge of the Periyar lake & works to keep a sufficient staff of men to arrest & convey to the Sub Mgte at Uttamapalyam 25 miles away any persons charged with offences for wh. power to arrest might be given, while if summonses had to be obtained they wd. have to be served in Travancore & there wd. be delay & legal difficulties about this.

2. A greater objection is that the Travancore Durbar will strongly object to the permanent transfer of ~~sovereignty~~ jurisdiction over the area in

flag F. and F' which is a reply to my D.O.

The file is in a very confused state & G.O. 418 I / 13.5.96 which appears to be of importance, is at least, I cannot find it

[initials]
19/1/98

B.x

question. Every native State is tenacious of its sovereign rights in this respect & ~~I have~~ from conversation with the Resident I infer that the Travancore Durbar will be most reluctant to make the concession.

If however the concession is obtained it will be almost impossible to work the rules & enforce them without the cordial cooperation of the Durbar which it wd. be almost too much to hope for. It must be remembered that the lake which is not a compact easily demarcated locality but an area of 12½ sq. miles with bays & sinuosities running into the hills ~~&~~ in various directions.

240 miles of Shore line

For these reasons I think the preferable course would be not to seek to acquire jurisdiction ~~[illegible]~~ at any rate for the present, but to represent to the Durbar that Govt. is reluctant to take this step if the rules it desires to apply can be enforced ~~to~~ with the aid of the Durbar.

Licenses to this rotation. 11.4.4

The Canal & Ferries Act appears

~~[illegible]~~ with its rules appears to be a needlessly complicated piece of machinery, quite unsuited to the place which is an almost uninhabited region of lake hill & jungle fever stricken for several months in the year, and to the scanty staff which will have to be kept at the head works to ~~[illegible]~~ regulate ~~the~~ the flow & guard the works.

The rules should be of the simplest possible character ~~s~~ and framed with a view to encourage navigation rather than to repress it.

Yes. R.S.H.

In the draft rules at flag Z it is proposed (Rule 1) that the charge for carriage of timber on the lake should be 8 annas per cubic foot. This would be more than the value of the timber in some cases! For instance the Forest Dept. sells Vin-teak — a valuable timber, — in Coimbatore at 14-6 annas pies per cub. foot. This timber has to be cut in the Anamalais & carted ~~[illegible]~~ or dragged to the slide, & thence some 30 miles to Coimbatore. In the place where it is cut it cannot be worth half its selling price at Coimbatore. At the Periyar the timber is felled in the forests

The expression used in the rule is "8 as per % cubic feet" meaning 8 a[illegible] 100 cubic feet = [illegible]" The rate was fixed in G.O. 2301 / 8.3.77 4 as per 100 square feet

[signature]
24/1/98

around & adjoining the lake. It is not as though the lake could be damaged like a road by the passage of timber. A rate of ~~of~~ one anna per c.ft. w.d be much more appropriate.

Rule 5. The boats of Travancore officials should be free of registration & fee. The Resident has already addressed Govt. on the restrictions wh. have been placed on the navigation of the Lake by Travancore officials.

x vide Y^a, Y^b & Y^c in G.O. 2303 d/16.3.97

Rules 5, 6, 7. The registration fee for a boat should cover navigation & last for a year. It should be a nominal sum ~~for~~ say Rs 2. It is not at any rate at present the objection of Govt. to get a sort of bye-product in the shape of revenue out of the navigation of the lake, and if that were desired the best way to effect it would be to encourage navigation at the outset for a merely nominal fee.

Rule 10 is superfluous.

8/

Rule 11. The forfeiture of a boat should not be insisted on.

Rule 12. This seems purely repressive. Why should not steamers be encouraged rather than discouraged. It is not likely that private persons will want to ~~have~~ put steamers on the lake, but the Maharajah or some eccentric person or a timber contractor might wish to & with the permission of the Ex. Engr. might be allowed.

Rule 13. This seems needless. ~~[illegible]~~ The prohibition might issue if such a rule should ever be found necessary.

Such rules as may be decided on might be forwarded to the Resident with instructions to explain the whole matter to the Dewan & obtain from him the views of the Durbar on the points involved.

A rule should be added forbidding the floating of timber along the appro[ach] to the head sluice.

A.L.A. 15.7.98

[G / 73]
50—19-11-97.

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Public DEPARTMENT.

P. W. Current No: 847

OFFICE NOTE No. 164.

Dated 20th January 1898. with 1 file

Regd: 31. 1. 98

From

The CHIEF SECRETARY,

To

The SECRETARY PUBLIC WORKS DEPARTMENT.

CHIEF SECRETARY
-2 FEB 1898
GOVERNMENT OF MADRAS

Navigation on the Periyar Lake.

The file with His Excellency's and Hon'ble Members' notes is forwarded for perusal and return.

I will arrange a meeting with the Resident, the Dewan and ourselves after the Maharajah's arrival on the 3rd February.

M. Cons...
for. Chief Secretary.

C/ No. 595C dated 1 Feby /98

Secy. - I attach a note giving my views on this subject

L. B...
20-1-98

A note by Mr Hughes is also attached, with a few marginal remarks by me

L. B...
1. 2. 98

... 20-1-98

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Public Dept. O. N. No. 164
d/20th Jan. '98.

N O T E.

Periyar Navigation.

1. The objections to it are

(1) Possible damage to dam or head sluice.

(2) Removal of timber within the 155' contour.

2. I think the following rules on the subject will suffice.

(1) Every vessel of any kind -- navigating the lake to be registered at Thekady annually on January 1st and receive a --- licence.

(2) Every person desiring to --- float timber rafts across the lake without the aid of a --- vessel to have his name registered annually on same date, & receive a licence.

(3) No fees of any kind to be charged.

(4) No vessel or raft to approach within ¼ mile of the dam.

(5) No vessel or raft to approach nearer to the Thekady tunnel -- than a boundary to be plainly marked by the P.W.D. either by boom or posts or both.

(6) No timber within the 155'

contour

contour or within the area of 100 acres in addition, to be felled or removed without special permit from the Executive Engineer, Madura Dn.

(7) Any infringement of rules (4), (5) & (6) to render the licence of any boat liable to forfeiture for such period as the Executive Engineer, Madura Dn., may decide.

3. To make it possible to enforce rule (6) the 155' contour would have to be demarcated, and also the additional 100 acres; and it would probably also be necessary to appoint a Forest Ranger to see that the rule was not transgressed.

4. If, however, the Travancore Govt. would cede to the British Government, during the continuance of the lease, the right to cut, whenever and wherever necessary, such timber as was required for maintaining the lake & its works and buildings, & for constructing any new works found necessary, & for firewood, the British Government might cede to the Travancore Government its rights over the timber within the 155' contour, and the necessity for protecting that area would disappear.

5. The following order might then issue on the subject of the naviga-

navigation of the lake.

(1) The navigation of the Periyar lake whether by vessels or rafts is absolutely free and unrestricted.

(2) Provided that if any vessel or raft is found within ¼ mile of the dam, or within the prescribed boundary in front of the Thekady tunnel, such vessel or raft will render itself --- liable to confiscation by the British Government.

6. This would be, in my opinion, the most sensible and suitable arrangement for all concerned.

Acting Secretary,
P. W. Department.

P. W. Current No. 856

E. I. Form No. 22—2,000—8-8-96.

GOVT. OF MADRAS. 1898. P. W. DEPT.

CHIEF ENGINEER FOR IRRIGATION.

Encls 1 file.

Madras, 31st January 1898.

Recd: 31.1.98

OFFICE NOTE No. 25

Circulation Register.

To	From	Despatch Date.	Receipt Date.
W	I		

KEEP-WITH.

No. , dated 189 .

Navigation of Periyar Lake.

Your Office Note No. 556 C of 28 Jan

It will make my proposals clear -er if I begin by stating that I con -sider it impolitic, if not absolutely wrong in principle, for a Government to levy greater charges on navi -gation than are required to cover the cost of facilities afforded or services rendered. Although the British Govt: has no duty in this respect towards the subjects of Travancore, & would be justified in making the most of the concession for which it pays a heavy rent, I would not object to any concessions which do not involve expense

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expense to the British Government. If we are to provide and maintain landing stages, timber slides &c we must raise a revenue to cover the cost. There is also a good deal spent in keeping the navigation line clear of floating trees &c and if the public have the benefit of this I do not see why they should not contribute. The fees proposed were little more than nominal and could scarcely have any effect in restricting the growth of navigation. I am however willing to reconsider any to which reasonable objection can be made.

I dont see that we have to provide any-thing of the kind [illegible]

i.e. in keeping the course of the launch clear from [illegible] to [illegible]. This must be done anyhow. 1.2.[illegible]

Scale of fees provisionally sanctioned in G.C.NO:230.I.dated 6th March 1897.

Licences	Annual	6Weeks	
Rafts or timber	Rs 0-0-0	Rs a. p. 0-4-0	per 100 Sq. ft.
Steamers	30-0-0	6-0-0	
Cargo boats	1-0-0	0-3-0	per ton
Passenger boats			per ton
1st class	2-0-0	0-5-0	per ton
- DO 2nd class	1-0-0	0-3-0	per ton
Registration fees.			
Private boats	12-0-0	2-4-[illegible]	
Pleasure-DO-	1-0-0	0-3-[illegible]	

We must have control over the navigation and for this purpose and to prevent theft of timber from the land belonging to the lake must have some means of punishment. I presume no one will want to land timber except where there is a road to carry it away. At present there is no road except near the tunnel but should any be made elsewhere landing places could be established in connection with them. I do not wish to propose anything which would have the effect of discouraging navigation but on the contrary wish to facilitate and develope it in every way but we have no right to spend British

Indian

We need not spend a pice so far as I can see [illegible]

Indian funds for this purpose.

With regard to Mr: deWinton's suggestion that the trees on the lake margin be made over to the Travancore Government I do not think this would be advisable. I intend to have the 155' contour demarcated by trees and when this is done (but of course it will take a long time, the contour being 240 miles) the boundary of the lake will be clearly seen. The portions where there is jungle to protect would be done first by planting or making a clear trace.

I think regulations about felling timber would be out of place in a set of navigation rules.

WH

" I "

[Marginal handwritten note:] ... why, if we at a [illegible] pro quo -

!

[illegible signature] 1.2.[illegible]

57 83

Navigation of Periyar Lake.

5th February. 1898.

Present.

Mr Rees. Resident of Travancore

Mr De Winton. Secretary to Govt

Mr Hughes. Joint Secretary to Govt

Hon. Sankara Subbier
Dewan of Travancore

The Chief Secretary.

Mr Rees remarked that there was no timber worth felling ~~alone~~ anywhere along the margin of the Lake either within the contour line or outside. It is proposed to turn the tract of country adjoining into a reserved forest, not for the sake of the timber but to preserve the elephants. Mr R. is of opinion that the T. side has a right of way over the lake to make up for rights of way through the forest now submerged by the lake.

Mr Hughes does not object to "dugout" boats on the lake. He wants control over boats lest they should drift down the channel & damage ~~the~~ ~~[illegible]~~ sluice works.

He wd. like to get some revenue out of

boats if there were much traffic, or to build say a landing place, &c. The channel up to the tunnel must be kept clear for the launch, and if others use it they should contribute towards the expense. The timber on the contour line might be stolen.

Mr. De Winton pointed out that if timber rafts were permitted on the lake, damage might be done by their drifting & being driven by current & wind against dam or tunnel works.

The Hon. Sankara Subbier's remarks are separately recorded.

AH 5.2.98.

Madras
5th February 1898

6.2.98.
AH

My dear Sir

I return the enclosure with thanks. Re the matter of Cinchona it seems to me that I should not commit my Govt. to any absolute statement likely to create difficulties in future. In regard to our

92

or two other points. The

or modifying I have

are what I expressed

the meeting.

I am
yours sinc

Bhaunagar

5th Febry. 1898 93 58

Memorandum of a conversation in the Chief Secretary's Office on the proposed introduction of navigation rules for the Periyar Lake. Messrs Rees, De Winton & Hughes were also present

The Hon. Sankara Subbiah, Dewan of Travancore remarked that

Half a dozen boats would suffice for conveying Cardamom across the Lake and for inspection of the cardamom gardens, carriage of forest produce, and inspection of forests.

A few officials live in the [illegible]ge of Kumili.

The Travancore ~~Boa~~ Sirkar does not desire to float any timber at all upon the Lake, nor is there any timber worth speaking of along its margins.

If any damage should be done to the Dam, tunnel or other works the Travancore Courts would punish offenders proved to be guilty before the Travancore Courts.

Besides the Penal Code there is an Irrigation Law (III of 1872)

I said also I was not quite sure of the actual requirements.

To be on the safe side I would add that if at any time any necess should arise for floa down any Govt. timb this Govt. would see th no damage is caused i that account.

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which renders punishable any injury or obstruction to any irrigation work.

If any damage should be done or any difficulty should arise the Travancore Durbar would be morally & legally bound to support ~~the~~ D.P.W. of the British Govt. in the maintenance of ~~the~~ works.

A cession of jurisdiction would be very strongly demurred to.

A.H.
5.2.98

By 'difficulty' I meant difficulty arising from wrongful acts of Travancore subjects & within Travancore jurisdiction.

[illegible]
5-2-98

R.3/3
R.18/2

1 G./25 00-2-9-97.

Department. 95

C. No. 59

Returned from Circ 3/3/98

His Excellency The Governor. 8
The Hon'ble Sir Henry Bliss, K.C.I.E. 1
The Hon'ble Mr. Grose, C.I.E. 2

SUBJECT.

Navigation rules for Periyar Lake.

FOR ORDERS.

As proposed by His Excy. a meeting on this subject was held in the Chief Secy's office on 5th Feby at which the Resident Mr Rees & the Dewan Mr. Sangara Subbier were present, besides Messrs De Lotbinière Hughes & ~~the~~ myself.

A note of the conversation is appended.

I demur entirely to Mr. Rees' contention that the Travancore Durbar has a right of way across the Lake to make up for rights of way over the land submerged. This is a question of law which fortunately need not be examined or decided.

It will be seen that the Travancore authorities want a few boats

Mr. Rees's contention seems to me a plausible one, but the question does not now come up for decision.

H.H.
25.2.98

probably half a dozen at the most
for their servants to inspect the
forests & carry cardamoms &
other produce. They have no
wish to float timber & the Resident
who knows the surrounding country
says there is none to float.
Mr. Hughes has no objection to
"dug-out" boats, would like to
make some revenue out of fees
if he could & objects to ~~floating~~
to boats ~~without~~ beyond his control
lest they should float down
the channel & damage the
sluice works.
Mr De Winton points out that
floating timber is objectionable
as it might by force of wind &
current damage either the dam
or the sluice works.
There is an Irrigation law in
Travancore under which injury
or obstruction to an irrigation
work is punishable, & the T. Durbar
would give all necessary support to the D. P. W.
The Travancore Durbar would
greatly object to any transfer
of sovereign rights to allow of
trial for offences in British
[illegible]

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Tagore
A.S.T.

From the discussion it is now abundantly clear that no special law & no elaborate rules are required to control navigation on the Periyar Lake.

For the sake of identification and for a nominal control which at some future time it may become necessary to make real, a written or printed permit may be issued free by the D.P.W. officer to every person who desires to have a boat of any kind on the lake, and such person including the Travancore employes may be required to have a number painted on the stern or sides of the boat.

A notice may be put up at the landing place in the channel that the floating of timber on the lake is forbidden & that persons in any way damaging the works will be prosecuted.

In their own interests the Trav. Durbar will cordially support the D.P.W. in the protection of the works

WI
1898